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# The U.S. Must Take Lead in Promoting Taiwan's WHO Observer Status

## Introduction

As governments and medical professionals frantically strive to combat the devastating outbreak of Severe Acute Respiratory Syndrome (SARS), Taiwan — the country that is most geographically proximate to the suspected source of the disease — has been left literally to its own devices in containing and treating this deadly virus. Such is the case because the People's Republic of China (PRC) has repeatedly refused to allow Taiwan to develop a relationship with the World Health Organization (WHO), a United Nations organization responsible for combating disease outbreaks and providing emergency medical assistance to governments and people around the world. Tragically, this is not the first time that Taiwan's inability to participate in the WHO has resulted in the unnecessary spread of preventable illness — as well as the unfortunate loss of thousands of lives. There is an opportunity to correct this injustice when the WHO's governing body of 191 member states, the World Health Assembly (WHA), gathers for its annual meeting in Geneva, Switzerland from May 19-28, 2003.

## The SARS Outbreak and Impact on Taiwan

The presence of SARS in Taiwan was first reported on March 17, 2003. That same day, the WHO issued a rare "worldwide health threat" about SARS. WHO Director General Gro Harlem Brundtland stated that "the world needs to work together to find its cause, cure the sick, and stop its spread."<sup>1</sup> Such would not be the case for Taiwan.

As the evidence mounted that a global crisis was emerging, Taiwan appealed to the WHO for assistance in obtaining information about the disease. On March 19, Taiwan's Ministry of Foreign Affairs announced that its request to the WHO for inclusion in the organization's Global Outbreak Alert and Response Network (GOARN) — which would allow Taipei access to needed medical information about SARS — was denied because Taiwan lacked an affiliation with the organization.<sup>2</sup>

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<sup>1</sup> See WHO homepage at <http://www.who.int>.

<sup>2</sup> See Taiwan Ministry of Foreign Affairs Press Release, 3/19/03.

Left to its own resources, the Taiwanese health system spurred itself into action. It initially fared well against SARS. As Taiwanese President Chen Shui-bian wrote in a May 9 *Washington Post* editorial, “When SARS first appeared in Taiwan in March, our health system responded quickly and effectively. As a result, Taiwan achieved a record of zero mortality, zero community transmission, and zero transmission abroad of SARS.” He noted, however, that another outbreak in late April forced them to step up their efforts to try to contain the disease.

On May 3, after intense international pressure, the PRC government, which had repeatedly prevented the WHO from sending investigators to Taiwan by claiming that Taiwan was part of the PRC, to allow investigators to visit the island republic, stating that China “cares for those infected [with SARS], including people on Taiwan.”<sup>3</sup> According to the WHO, the two-person team’s mission was to support Taiwan’s health authorities in combating SARS and to advise officials on how best to stop the spread of the virus on the island — more than six weeks after the first case of SARS appeared in Taiwan, and after hundreds of people had fallen ill.<sup>4</sup> On May 8, the WHO extended a travel warning to Taiwan. On the same day, the Taiwan Department of Health reported an additional 22 probable and suspected cases, bringing the island’s infection rate to 360 people, third highest after China and Hong Kong.<sup>5</sup>

The outbreak of SARS, however, is not the first major health crisis to affect Taiwan and highlight the country’s glaring absence from the WHO. In 1998, a devastating outbreak of a rare epidemic virus — enterovirus 71 — ravaged Taiwan. It affected nearly 10,000 children, killing 78 and debilitating thousands more.<sup>6</sup> The airborne disease, which targets children between the ages of three and five, results in “aseptic or viral meningitis, encephalitis, or a polio-like paralysis,” according to the U.S. Centers for Disease Control. As the outbreak spread, Taiwan appealed to the WHO for international assistance, but due to its lack of affiliation with the WHO, Taiwan’s public health system was prevented from acquiring time-critical information about the disease.

Following the enterovirus 71 epidemic, Taiwanese health officials reported that nearly 80 percent of the country’s children between the ages of three and five did not develop the immunity needed to fight the virus. Again, Taiwan appealed to the world community to share its expertise — and again, the United Nations’ global health organization was prevented from helping on political grounds. Recent outbreaks during 1999-2002 have resulted in thousands more cases of enterovirus 71 and the deaths of 50 more children.

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<sup>3</sup> “Beijing to Allow WHO to Send Team to Taiwan,” *Washington Post*, 5/4/03, A25.

<sup>4</sup> See WHO SARS update, [http://www.who.int/csr/sarsarchive/2003\\_05\\_03/en/print.html](http://www.who.int/csr/sarsarchive/2003_05_03/en/print.html).

<sup>5</sup> “SARS Toll Tops 500, WHO Warns of Taiwan Travel,” *Reuters*, 5/8/03.

<sup>6</sup> See CDC report, <http://www.cdc.gov/ncidod/EID/vol9no3/pdfs/02-0285.pdf>.

## History of Taiwan's Relations with the WHO

The WHO provides and shares information on medical and health-related issues, and is a purely humanitarian, not a political, organization. According to the WHO Constitution, the “enjoyment of the highest attainable standards of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.”<sup>7</sup>

Taiwan's relationship with the WHO dates back to the organization's founding in 1948. Taiwan was one of its original co-founders, and remained a WHO member for 25 years. However, with the admission to the United Nations of the People's Republic of China in 1972 — thus establishing Communist China as the “one China” and gaining formal diplomatic recognition by the majority of the world governments, including the United States — Taiwan was forced to withdraw its participation in all U.N.-sponsored organizations. Since 1997, Taiwan has attempted repeatedly to rejoin the WHO as an observer, not as a full member, thus not seeking to challenge the “one China” policy.<sup>8</sup>

For Taiwan to rejoin the WHO, this time as an observer, the WHO's governing body of 191 member states — the World Health Assembly — must place the issue of Taiwan's membership on the agenda of its annual meeting in Geneva, Switzerland (which will take place from May 19-28, 2003). According to Article 18 of the WHO Constitution, the WHA shall “invite any organization, international or national, governmental or non-governmental, which has responsibilities related to those of the Organization, to appoint representatives to participate, without right of vote, in its meetings or in those of the committees and conferences convened under its authority, on conditions prescribed by the Health Assembly.”<sup>9</sup>

Any full member state of the WHO can request that Taiwan's observer membership be placed on the agenda. Once a nomination is offered, the WHA's Executive Board, comprised of 32 members, each technically qualified in the field of health and elected for a three-year term, determines whether a nomination should be placed on the agenda.<sup>10</sup> The main functions of the Board are to give effect to the decisions and policies of the Health Assembly, to advise it and generally to facilitate its work. It is at the Executive Board level that the PRC has successfully thwarted Taiwan's bid in years past by pressuring members not to allow the Taiwan issue to be placed on the agenda. If and once a nomination is placed on the agenda, however, a formal vote can occur. A simple majority vote of approval is required to grant observer membership.

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<sup>7</sup> See WHO Constitution, <http://www.who.int>.

<sup>8</sup> See Taiwan's Ministry of Information, “Health for All,” <http://www.gio.gov.tw>.

<sup>9</sup> See WHO Constitution, <http://www.who.int>.

<sup>10</sup> See WHO description of Executive Board, <http://www.who.int/governance/en/>.

Currently, Taiwan is the world's only aspirant for WHO observer status. Dictatorships and non-democracies such as Cuba, Iran, Libya, North Korea, and Syria, who are members of the WHO, are entitled to all the rights and benefits associated with full membership. Moreover, non-sovereigns such as the Palestine Liberation Organization, the Holy See, the International Red Cross, and the Order of Malta retain WHO observer status. Such examples highlight Taiwan's unique exclusion from participation in WHO activities and programs.

## **The PRC's Objections to Taiwan's Request**

The opposition to Taiwan's application as voiced by the PRC essentially ignores the difference between WHO observer status and full membership. Whereas membership in the WHO requires sovereignty, observer status does not.

The PRC government's objection was clearly demonstrated in a letter that U.S. Representative Christopher Cox (R-CA) received in May 2002 from Ambassador Yang Jiechi, the PRC's highest representative in Washington.<sup>11</sup> In his letter, Ambassador Yang stated that "only sovereign states are eligible for membership of the WHO," and that "Taiwan, as part of China, has no qualification whatsoever to participate in WHO activities." He concluded his letter by stating that the "real purpose of the Taiwan authorities is to squeeze into the WHO and realize their goal of separating Taiwan gradually from the motherland."

In a clear enunciation of U.S. support for Taiwan, and to highlight the inarticulate argument of the PRC government toward Taiwan's membership in the WHO, Representative Cox replied to Ambassador Yang with the following:

Your letter convinces me that politics, not the aims of the WHO, are the reason the PRC government continues to block this common-sense step. It is both highly undiplomatic, and factually inaccurate, to characterize Taiwan's application for observer status as an attempt to 'sneak back into the WHO.' Furthermore, it is a straw man argument to state as your principal objection to the application that 'only sovereign states are eligible for membership,' since no one, to my knowledge, is proposing that.

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<sup>11</sup> See Amb. Yang letter to Rep. Cox, [http://policy.house.gov/html/news\\_release.cfm?id=102](http://policy.house.gov/html/news_release.cfm?id=102).

You are closer to the real issue when you allude to the need for PRC consent, and then provide no sound reason for withholding that consent. If Taiwan is ever to reunite with China under a Hong Kong-like formula, as your government proposes, then the PRC's willingness to accept such modest exercises of autonomy as WHO observer status must surely be granted."<sup>12</sup>

Interestingly, the PRC's opposition to allowing Taiwan to participate in international organizations remains inconsistent. For example, Taiwan has been allowed to participate in the Olympic games under the name of Chinese Taipei. Also, in 2000, the PRC agreed to allow Taiwan to join the World Trade Organization (WTO) with the condition that Taiwan join as Chinese Taipei. It should be noted, however, that the PRC did not want Taiwan to join as a separate customs territory, Chinese Taipei, even though it had originally agreed to such an arrangement. At the last minute, the PRC tried to insist that Taiwan join as a customs territory of China. However, due to bold U.S. leadership — and pressure from 31 Senators who wrote to President Clinton on July 27, 2000 asking him to clarify whether he believed that Taiwan's entry into the WTO remained a committed goal of his Administration — Taiwan was able to enter the WTO as Chinese Taipei.<sup>13</sup> This example demonstrates that the PRC is likely to politicize situations regarding Taiwan's status if the U.S. allows it. In the case of the WHO, the PRC has been allowed to take the lead.

## **U.S. Support for Taiwan's Observer Status**

The United States, in particular Congress, has remained a steadfast advocate of Taiwan in its pursuit of obtaining observer membership in the WHO. In fact, Congress has led the efforts in supporting Taiwan's efforts to join the WHO as an observer. Following the 1998 enterovirus 71 outbreak in Taiwan, numerous resolutions were introduced in Congress to address both the health tragedy and the international travesty of Taiwan's exclusion from the WHO. In 1999, Congress passed H.R. 1794, supporting Taiwan's participation in the WHO as an observer, and President Clinton quickly signed it. It became Public Law 106-137.

In May 2001, Congress passed H.R. 428, which authorized the Secretary of State "to initiate a U.S. plan to endorse and obtain observer status for Taiwan" at the 2001 World Health Assembly and to "instruct the U.S. delegation to Geneva to implement such plan." With President Bush's signature, H.R. 428 became Public Law 107-10. Congress passed the same resolution in 2002, and it became public law 107-158.

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<sup>12</sup> See Rep. Cox response to Amb. Yang, [http://policy.house.gov/html/news\\_release.cfm?id=102](http://policy.house.gov/html/news_release.cfm?id=102).

<sup>13</sup> Letter to President Clinton from Sen. Jon Kyl and 30 other Senators, 7/27/2000.

This year, however, the fate of the now annual resolution, which was passed by the House on March 11 and by the Senate on May 1, hangs in the balance. Congress has yet to send to the President a final version of this year's resolution because a slight difference between the two bills has not been reconciled. Thus, final passage may not occur before the WHO meets in Geneva beginning May 19. If the U.S. Congress does not pass the resolution (even though the State Department is developing its annual plan regardless of Congressional action), this would clearly send the wrong political message to the PRC regarding U.S. support for Taiwan's WHO observer status aspirations.

Since President Bush took office, his Administration has demonstrated its willingness to support Taiwan's participation as an observer in the WHO. In May 2001, while in Geneva, Health and Human Services Secretary Tommy Thompson announced that the United States backs the inclusion of Taiwan as an observer to the WHO. In March 2002, the State Department reiterated that it has "urged the WHO and its members to find appropriate ways for Taiwan to participate." This is consistent with long-standing U.S. policy "to support Taiwan's membership in international organizations where statehood is not an issue."

Despite Congress and the Administration's efforts, Taiwan still remains outside the WHO. According to State Department officials, in briefings provided to congressional staff, the onus of promoting Taiwan's observer membership in the WHO remains with Taiwan, not the United States. This is an impossible task, however, given that Taiwan cannot participate in any WHO-related fora. Moreover, it can be argued that Congress' intent in passing its annual resolutions calling on the Administration to develop a plan to promote Taiwan's observer status at the WHO *is to have the U.S. Government lead the way in ensuring that the PRC's objections are overcome and defeated.*

This interpretation was clearly demonstrated in a letter sent by 38 U.S. Senators to Secretary of State Colin Powell in May 2002.<sup>14</sup> In the letter, the Senators expressed their disappointment that the State Department's plan for increasing Taiwan's participation in the WHO did not more clearly articulate an actual plan for doing so, and they called on the Bush Administration to "take a more vigorous, concrete approach to supporting observer status for Taiwan."

Moreover, the Senators stated their belief that "the people of Taiwan deserve access to the highest standards of health information and services," and that they saw "no reason why Taiwan should be excluded from having the same benefits as non-state entities (such as the Palestinian Authority) with observer status in the WHO." Finally, the Senators referenced testimony from Assistant Secretary of State for East Asian and Pacific Affairs James Kelly, who told the House

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<sup>14</sup> Letter to Secretary of State Colin Powell from Sen. Jon Kyl and 37 other Senators, 5/1/02.

International Relations Committee that “there are many non-state entities with observership in the World Health Organization. That is something really that I think Taiwan could in fact add to measurably.”

If Taiwan is to ever obtain observer membership in the WHO, the U.S. Government is going to have to lead the effort at the WHO, for only it has the legitimacy and ability to stand up for the Taiwanese in international fora where Taipei cannot be represented.

## **International Support for Taiwan’s Observer Status**

In addition to the United States, Taiwan has received increasing support during the past few years from numerous European and Latin American governments for its bid to join the WHO as an observer. Since 1996, numerous legislatures, including the European, Czech, and Guatemalan parliaments, as well as many Canadian and British parliamentarians, have endorsed the proposal. In addition, non-governmental organizations throughout Europe and Latin America have written letters expressing their support for Taiwan’s bid. On April 29, 2003, 21 nations from Latin America, Africa, and Asia sent a letter to U.N. Secretary General Kofi Annan expressing their disappointment that the WHO has been unable to assist Taiwan during the SARS crisis, and urging him to press for Taiwan’s inclusion at this year’s annual WHO meeting in Geneva.<sup>15</sup>

## **Conclusion**

The SARS epidemic has once again reaffirmed the fact that disease is borderless. Moreover, unfounded and hypocritical political objections should not prevent any of the world’s citizens from acquiring the information and expertise they need for health, medical care, and disease prevention. Granting observer status to Taiwan is a way to include its people in the global health system without intruding upon “one China” politics or jeopardizing the peace process between Taiwan and the PRC.

According to the 1979 Taiwan Relations Act, it is U.S. policy to resist any “form of coercion” that would jeopardize “the social or economic system of the people of Taiwan.” Arguably, the denial by the PRC of access by the Taiwanese people to the health information, aid, and emergency resources of the WHO is a form of coercion. The United States, in recognition of its commitment under the Taiwan Relations Act, must continue to promote Taiwan’s efforts to obtain observer status in the WHO. Further, the Bush Administration should view Taiwan’s participation as an observer in the WHO — and other international organizations where statehood

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<sup>15</sup> See appeal to Kofi Annan by the Group of Friends of Taiwan,  
[http://www.gio.gov.tw/taiwan-website/5-gp/join\\_who/who4\\_07.htm](http://www.gio.gov.tw/taiwan-website/5-gp/join_who/who4_07.htm).

is a non-issue — as a principled part of U.S. foreign policy. Finally, the Bush Administration should defend Taiwan’s right to join the WHO as an observer just as strongly as the Clinton Administration defended Taiwan’s right to join the WTO as a separate customs territory from the PRC.

Taiwan’s inability to acquire time-sensitive medical information during the SARS outbreak due to its lack of institutional affiliation with the WHO is inexcusable. Granting of observer status to Taiwan will only be accomplished, however, if the Bush Administration takes the lead in overcoming the PRC’s political objections and actively promoting Taiwan’s basic humanitarian right to join the WHO as an observer.

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